IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1712 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/09/2004 in WP No: 11591 OF 2004 on the file of the High Court.)

Between:

M/S. MC. DOWELL & CO. LTD. Having its registered Office at Mc. Dowell House, rep. by Power of Authority Holder, Shri Krishna Swamy Iyenger, S/o. Ranga Chari, aged 49 Years, R/o. 345-SRT,S.R.Nagar, Hyderabad.

..... APPELLANT

AND

1.The State of A.P., rep. by its Principal Secretary to Revenue Department, Secretariat, Hyderabad.
2.The Special Officer and Competent Authority, Urban Land Ceiling, Visakhapatnam.
3.The District Collector, Visakhapatnam.
4.The Commissioner, Municipal Corporation, Visakhapatnam.
5.The Vice Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam.
6.The Mandal Revenue Officer, Visakhapatnam Urban Mandal, Visakhapatnam.
7.The Station House Officer, Visakhapatnam Town, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant: Mr.C.HANUMANTHA RAO

Counsel for Respondent Nos. 1 to3 & 6: GP FOR REVENUE

Counsel for Respondent No.4: Mr.T.S.Venkataramana

SC for Municipal Corporation, Visakhapatnam.

Counsel for Respondent No.5: Smt. Sumalini Reddy

Counsel for Respondent No.7: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Appeal is against the order passed by the learned Single Judge dismissing the writ petition of the appellant with leave and liberty granted to the appellant to avail the remedy of appeal against the order of rejection passed by respondent No.2 on 5.8.2004. The order dated: 5.8.2004 passed by the Special Officer and Competent Authority, Urban Land Ceilings, Visakhapatnam was not under challenge in the writ petition. Writ Petition had been filed earlier in point of time seeking direction to the respondents to consider petitioner's application under Section 21 of the Urban Land Ceiling Act, 1976 and further declaration that the petitioner-Company irrespective of exemption under Section 21 of the Act is also entitled to general exemption of the land under G.O.Ms. Nos. 455 and 456, Revenue (UC-II) Department, dated: 29.7.2002.

Petitioner's application was decided during the pendency of the Writ Petition on 5.8.2004. Without assailing the said order in the Writ Petition, counsel for the petitioner insisted to question the legality and validity of the said order when the Writ Petition came up before the learned Single Judge, despite the learned Single Judge pointing out that the same cannot be done. Before us, learned counsel for the

appellant insisted to question the legality and validity of the order. We have not permitted the learned counsel to do so, inasmuch as petitioner appellant has got statutory remedy of preferring appeal against the order of rejection of his application. We do not find any merit in this Appeal and the same is accordingly dismissed. No costs.

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DEVINDER GUPTA, C.J.

03.11.2004.

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C.V.RAMULU, J.

VR.

To

1.The State of A.P., rep. by its Principal Secretary to Revenue Department, Secretariat, Hyderabad.
2.The Special Officer and Competent Authority, Urban Land Ceiling,

Visakhapatnam.
3.The District Collector, Visakhapatnam.
4.The Commissioner, Municipal Corporation, Visakhapatnam.
5.The Vice Chairman, Visakhapatnam Urban Development
Aurhtoiry, Visakhapatnam.
6.The Mandal Revenue Officer, Visakhapatnam Urban Mandal, Visakhapatnam.
7.The Station House Officer, Visakhapatnam Town,
Visakhapatnam.

8. Two CCs to Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.